



UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Date: 08/01/05

In RE:

APPLICANT(S):JACK V. SMITH GROUP ART UNIT: 3728

S.N.: 09/898,958 EXAMINER: LUONG, SHIAN TINH NHAN

FILING DATE: 07/03/01

FOR: Inflatable Box

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Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**BRIEF ON APPEAL PAYMENT**

Dear Ladies and/or Gentlemen,

In response to the Office Action dated 07/22/05 Applicant Pro Se has attached a check #1203 for \$250.00 for the fees due for the Brief on Appeal for application # 09/898.

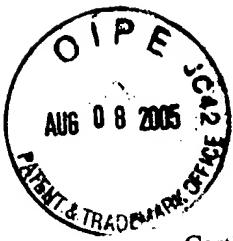
Respectfully submitted,  
Jack V. Smith

P.O. BOX 156

Arden, NC 28704

Date: 06/30/05

| 08/10/2005 SHASSEN1 00000055 09898958  
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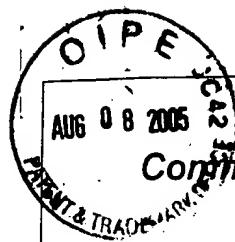


## CERTIFICATE OF MAILING

Certificate of mailing: I certify that on the date below this document and referred attachments, if any, will be deposited with the US Postal service as first class mail, Express mail or better in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 08/01/05

Signed: Jack V. Smith



AUG 08 2005

**Communication Re: Appeal**

Application No.

09/898,958

Examiner

Shian T. Luong

Applicant(s)

SMITH, JACK V.

Art Unit

3728

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
  - (a)  it was not timely filed.
  - (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
  - (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d)  the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.
  - (e)  the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
  - (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
2.  The appeal brief filed on 28 March 2005 is NOT acceptable for the reason(s) indicated below:
  - (a)  the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
  - (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
  - (c)  the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.

The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).
3.  The appeal in this application is DISMISSED because:
  - (a)  the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (c)  a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d)  other: \_\_\_\_\_.
4.  Because of the dismissal of the appeal, this application:
  - (a)  is abandoned because there are no allowed claims.
  - (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c)  is before the examiner for consideration.

The statutory fee for filing a notice of appeal is \$250 for small entity and the fee for an appeal brief is an additional \$250. Applicant has paid an amount of \$250 on 3/28/05 and still lack the additional \$250 for the appeal brief.



BEST AVAILABLE COPY